

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-4, 6-14, and 20-21 remain pending in the present application. No amendments were made to the claims by this Response.

Applicant notes with appreciation the Examiner's indication that claims 8, 13-14, and 20 represent allowable subject matter. Applicant has not adopted the Examiner's suggestion of rewriting these claims in independent form at this time, as the base claim(s) from which these claims depend are believed to be patentably distinguishable over the cited references for the reasons presented below.

I. Rejection of Claims 1-4, 6-7, and 11-12 Under 35 U.S.C. § 102 and Rejection of Claim 10 under 35 U.S.C. § 103

Claims 1-4, 6-7, and 11-12 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,427,690 to McCombs et al. ("the '690 patent"). In addition, claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over the '690 patent. Applicant respectfully traverses these rejections for the reasons presented below.

A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant submits that the '690 patent does not set forth each element recited in independent claim 1.

Claim 1 recites a pressure support system that includes a first housing member having a first plurality of cavities defined therein and a second housing member having a second plurality of cavities defined therein. When assembled, the first and the second plurality of cavities together define (1) a first chamber, (2) a second chamber, and (3) a first conduit operatively connecting the first chamber and the second chamber in fluid communication with

one another. Applicant submits that the '690 patent fails to teach or suggest the first and second housing members having these features. For example, the '690 patent does not teach, and the Examiner has not set forth, where the first chamber, the second chamber, and the first conduits are defined by housings 12 and 14.

Applicant notes that housing 14, as shown in FIG. 5a of the '690 patent, appears to include slots into which flow regulator 20 fits. However, it is not clear that corresponding slots are provided in housing 12. Moreover, the '690 patent appears to completely lack any cavity that defines a conduit connecting two chambers in fluid communication with one another. If the Examiner continues to maintain this rejection of claim 1, applicant respectfully requests that the Examiner specifically identify where each of these features recited in claim 1 is found, either expressly or inherently, in the teachings of the '690 patent.

For the reasons presented above, applicant respectfully submits that independent claim 1 is not anticipated or rendered obvious by the cited references. In addition, claims 2-4, 6-7, 10, and 11-12 are also not anticipated or rendered obvious due to their dependency from independent claim 1. Accordingly, applicant respectfully request that the above rejection of claims 1-4, 6-7, and 11-12 be withdrawn.

II. Rejection of Claim 21 Under 35 U.S.C. § 103

Claim 21 stands rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,216,691 to Kenyon et al. ("the '691 patent"). Applicant respectfully traverses this rejection for the reasons presented below.

Independent claim 21, like claim 1, recites a pressure support system that includes a first housing member having first plurality of cavities defined in the first side thereof and a second housing member having a second plurality of cavities defined therein. The first and second plurality of cavities cooperate to define (a) a first chamber adapted to receive a first component of the pressure support system, (b) a second chamber adapted to receive a second component of the pressure support system, and (c) a first conduit operatively connecting the first component and the second in fluid communication responsive to the first and second housing

members being in an assembled relation. Applicant submits that the '691 patent fails to teach or suggest the first and second housing members having these features.

According to the Examiner, the claimed first and second housings correspond to element 10 and the cover (not shown) that fits over element 10. While applicant does not admit this to be the case, even if the Examiner's suggested interpretation of the '691 patent is used, there are elements set forth in claim 21 that are missing from the teachings of this patent. For example, it is not clear whether element 10 and the cover both have cavities defined therein. In the Examiner's opinion, the cover would inherently have cavities defined therein to receive the cavities of element 10. Applicant respectfully disagrees. There is no reason why any such cavity would be necessary in the cover. In fact, it is likely the cover would not have cavities as this would simplify the manufacturing of the cover.

This being the case, it is even more uncertain whether any such cavities combine to define the first and second chambers and the first conduit that connects these chambers. Applicant notes that the '691 patent teaches providing recesses in body 50 to communicate gas to the turbine. See, for example, Figure 5 of the '691 patent. However, column 5, lines 36-40, of the '691 patent recites that the underside of body 50 is disposed substantially *flush* with the bottom of the apparatus housing to provide the inlet ducts for the turbine. It can be appreciated from this text that there is no teaching or suggestion that the bottom of the housing have complimentary shaped recesses to match the recesses in body 50.

For the reasons presented above, applicant respectfully submits that independent claim 21 is not rendered obvious by the cited references. Accordingly, applicant respectfully requests that the above rejection of claim 21 be withdrawn.

This response is being filed within the three-month statutory response period which expires on January 23, 2004. In addition, no additional claim fees are believed to be required as the claims have not been amended or supplemented. Nevertheless, the Commission is authorized to charge the any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

KUEHN -- Appln. No.: 09/432,192

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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